

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROGER G. LEWIS,	)	
	)	8:09CV442
Plaintiff,	)	
	)	
v.	)	
	)	ORDER
KINZE MANUFACTURING, INC.,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court on defendant's motion in limine, Filing No. [43](#). The defendant asks this court to enter a ruling prior to trial prohibiting the plaintiff from testifying about the reasons for his discharge. Defendant contends this evidence is not relevant to the issues in the case which deal primarily with alleged violations of the Nebraska Wage Payment and Collection Act. Plaintiff, on the other hand, argues that this evidence is relevant to the claim of certain commissions that plaintiff believes he is entitled to receive.

The court has carefully reviewed the motion and briefs in support and in opposition. The court is of the opinion that this is not an appropriate subject for a motion in limine. These issues can be raised at trial, when this court will have an opportunity to see how the case progresses and to determine the relevancy of the offered evidence. Accordingly, the court will deny the motion in limine, but the defendant is free to raise these issues at trial.

THEREFORE, IT IS ORDERED THAT defendant's motion in limine, Filing No. [43](#), is denied as set forth herein.

DATED this 1<sup>st</sup> day of October, 2010.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge

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